

SPEECH

OF

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MR. FRELINGHUYSEN,

ON HIS RESOLUTION CONCERNING

SABBATH MAILS.

IN THE SENATE OF THE UNITED STATES,

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SPEECH.

PREAMBLE AND RESOLUTION.

The Sabbath is justly regarded as a divine institution, closely connected with individual and national prosperity—no legislature can rightfully reject its claims; and although the Congress of the United States, from the peculiar and limited constitution of the General Government, cannot by law enforce its observance—yet, as they should not, by positive legislation, encroach upon the sacredness of this day, or weaken its authority in the estimation of the people—

Therefore, it is

Resolved, That the Committee on the Post Office and Post Roads be instructed to report a bill, repealing so much of the act on the regulation of post offices as requires the delivery of letters, packets, and papers on the Sabbath; and further, to prohibit the transportation of the mail on that day.

MR. PRESIDENT : I have presented this resolution to the Senate, not only in the hope that we may consider and respect the claims of the Sabbath, but also that an occasion may be afforded of disabusing the public, in regard to the object of the memorialists.

When it was proposed to our fellow citizens, during the last Congress, respectfully to petition for a repeal of the law which required the transportation of the mail and the opening of post offices on Sunday, it produced a spontaneous, cordial, and unexampled concert and co-operation, from one limit of the Union to the other. Thousands of our constituents, who would abhor all religious tests and ecclesiastical domination, sent up their request that a profanation of the Sabbath, as destructive of our temporal prosperity as it was offensive to God, might be repressed. Sir, it was a noble tribute to the just claims of a day held sacred by all Christian men. It was a nation's voice, speaking on a subject deeply involving its best interests. I could wish that the plea had been regarded, and at least rightly apprehended. The petitioners would not have been charged with the design of uniting Church and

State, in any dangerous alliance, had their motives been justly appreciated, or their language distinctly understood. In looking over the memorials that have loaded your tables for the last and present sessions, I find among them the first names of our country. The principal merchants in all our important cities, judges, jurists, and legislators, the farmer, manufacturer, and mechanic, of every denomination, have combined a weight of influence, and respectability of testimony, on the sacred authority of this holy day, as honorable to them as it should be persuasive and prevalent with us.

The honorable committee of the House of Representatives, to whom these memorials had been referred, in their report made on the 3d of February, 1829, observe — "It is believed that the history of legislation in this country affords no instance in which a stronger expression has been made, if regard be had to the numbers, the wealth, or the intelligence of the petitioners."

Sir, what has wrought so sudden and singular a revolution in the public mind, if such indeed be the case? Whence has arisen this clamorous opposition to an object that so lately seemed to draw to itself such universal and popular approbation? When we open the volumes of remonstrances against the interference of Government to prevent its own violations of the Sabbath, but one prominent cause is urged. It is gravely asserted that the petitioners are striving to bring into the operations of our Government an ecclesiastical dominion, to lord it over the consciences of men, and to encroach upon the rights and freedom of religious belief and opinion. Sir, it is due to all parties, as well as to ourselves, to examine this charge, in the spirit of candor, divested of all prejudice, and with a single, sincere desire that the truth may be known.

The men who have presented their respectful memorials to the Congress are not among those that have ever been friendly to either civil or ecclesiastical bondage. I have traced among them the names of many illustrious worthies of our Revolution. They seem to have rejoiced in an occasion that would bear their public testimony to the authority of the Christian Sabbath. Moreover, when we seek for the proof of this ungracious charge, we find that instead of desiring any inroad to be made upon the rights of conscience, the manifest design of the memorialists has been to increase the entrench-

ments around these high interests. They saw in this act of Congress, beside other exceptionable features, a direct invasion of religious liberty; that, whilst it left all others tranquil, it attacked the principles of every postmaster in the land, with all the multitudes of clerks, assistants, messengers, and mail carriers, and commanded them to disregard the Divine authority, and the legislation of almost every State, and to make the Sabbath a day of business, and of distracting servile labor. And without disturbing in the least degree the opinions or creed of any body of Christians, Congress was besought to repeal a statute thus adverse to individual privilege and public welfare. The truth is, Mr. President, the whole spirit and scope of these applications have been tortured from their obvious intention; as I hope to show to every member of the Senate.

The eleventh section of the act of Congress regulating the Post Office Department, requires that "postmasters shall, *on every day of the week*, keep open their post offices, for the delivery of letters, packets, and papers, at all reasonable hours." No other statute of similar requirement can be found in our civil or criminal code. It is an anomaly in our legislation. In all our public laws beside, we perceive a very commendable concern for the sanctity of the Sabbath. And when we recur to their provisions, we shall be furnished with a conclusive reply to the objection, that is derived from a diversity of sentiment, on the proper season that should be devoted to religious duties. Our predecessors have acted upon a true, republican principle, that the feelings and opinions of the majority were to be consulted. And when a collision might arise, inasmuch as only one day could be thus appropriated, they wisely determined, in accordance with the sentiments of at least nine-tenths of our people, that the first day of the week should be the Sabbath of our Government.

This public recognition is accorded to the Sabbath in our federal Constitution. The President of the United States, in the discharge of the high functions of his legislative department, is expressly relieved from all embarrassment on Sunday. The business of the Supreme Court, the highest judicial tribunal of the country, is by law directed to suspend its session on Sunday. Both Houses of Congress, the Offices of the State, Treasury, War, and Navy Departments, are all closed on

Sunday. And all the States of the Union, I believe, (twenty-three of them certainly) by explicit legislative enactments, acknowledge and declare the religious authority of Sunday.

Sir, these State laws do not merely notice this day, but they require in terms its religious observance, and prohibit its profanations under proper penalties. And yet these regulations may be assailed with equal propriety as the resolution I have submitted.

A brief allusion to the course of public enactments by the States, will fully illustrate the high consideration that has been devoted to the Sabbath, as a portion of time which duty, sound policy, and our best interests require, should be set apart for religious service and moral improvement. I have selected two or three cases only; not that they are the strongest, but because they present a fair estimate of the views that have been entertained by the different legislatures of the Union. In the States of Georgia and North Carolina, so decided was the piety of their statesmen, that they not only prohibited the profanation, but required the observance, of the Sabbath. Pursuing our researches into the legislation of all the old thirteen States, and most of the new western States, sections of a kindred spirit are found to be incorporated into their systems of laws. Sir, this forms a most grateful testimonial, that refutes all the outcry of "sectional conspiracies" and "unhallowed combinations." It exhibits a full, harmonious and honorable commentary upon the great political truth, that a free people can preserve their liberties through moral influences alone; and that to cherish these, a Sabbath is vitally indispensable. Permit me, Mr. President, before I dismiss this part of the subject, to give an extract from a public law of the Territory of Michigan, adopted on the 15th May, 1820—it is the preamble to "an act to enforce the observance of the Sabbath." I deem it important, for the sound principles and practical wisdom which it combines. The extract follows: "Considering that in every community, some portion of time ought to be set apart for relaxation from worldly cares and employments, and devoted to the social worship of Almighty God, and the attainment of religious and moral instruction; which are in the highest degree promotive of the peace, happiness and prosperity of a people; and whereas the first day of the

week, commonly denominated the Sabbath, has at all times among Christians in general been devoted to these important purposes, &c."—therefore, it is by that act ordained, "that the first day of the week shall be kept and observed by the good people of the Territory, as a Sabbath, holy day, or day of rest from all secular labor and employments." I cannot forbear to remark, sir, that such indications of correct sentiment are heard by us with peculiar satisfaction, as coming from our territorial districts. They are the best pledges that could be given of the stability and prosperity of the rising communities on our borders.

The example of the old world also pleads powerfully on behalf of this sacred institution. London, with all its wealth, business and enterprise, regards the Sabbath. No mail is opened or closed on this day. And although there is probably five times the commerce between London and Liverpool, as between New York and Philadelphia, no mail leaves the Metropolis for Liverpool between Saturday evening and Monday evening—and the mercantile classes of these populous communities make no complaint of this interruption. No, sir. They rejoice at the relief and refreshment from the toils of worldly business—that one day in seven there may be a pause in the anxieties of eager speculation; and that even the rage of selfish cupidity is compelled to suspend its pursuits. Now, sir, in this review of the case, it must appear a most singular prejudice that is now excited and raised against all efforts to restore our national legislation to a consistency with its own principles, so often avowed. It is as absurd as it is unjust. Every State of the Union has, from its very origin, preserved just such a connexion between Church and State as is now deprecated, and by means much more vigorous than the repeal of this offensive section. They have fixed the day, they have enjoined its observance—they have specified and prohibited its profanations in particular details, and annexed the sanctions of legal penalties—and yet, after all this, when Congress are respectfully requested to be passive, and not to command its violation, but to leave the Sabbath alone—the note of alarm is sounded, (and many good men are deluded by it,) that some dangerous conspiracy is meditated against the freedom of conscience.

This charge perhaps deserves a more particular ex-

animation. If it be meant to impute to the petitioners a desire, that the Government should establish a particular system of religious doctrines, to form a national creed—that it should erect an ecclesiastical council to adjust all differences in opinion, no complaint was ever more unfounded. But if it amounts merely to the imputation of an earnest wish, that the whole conduct of the nation, in the administration of its laws, and the transaction of its business, should be conformed to Christian principles—that our rulers might acknowledge their obligations to the Supreme Ruler of the universe, respect His laws and legislate in His fear, the charge is true, sir, every word of it. And is this a dangerous union of Church and State? Does the expression of such pure and exalted sentiments, in these memorials, deserve to be driven from your doors, and put aside with the traitorous purposes and evil deeds of “Cataline, Judas, and Arnold?” Sir, this unfounded implication of the motives of the petitioners may become the watchword and apology for all manner of wickedness. Men may be guilty of blasphemy, drunkenness and murder, and when you approach them with the language of rebuke or admonition, they may, behind this shield, turn to you with the cry of “fanaticism,” that you wish to bring religion into matters of civil concern. They may tell you that it is far better for her to move in her own proper and appropriate sphere, “better to be locked up in a man’s own bosom,” and not become a busy body in other men’s matters. Sir, why may not individuals as well as States?—when did the latter obtain exemption from the claims of religion. The same page that proclaims condemnation to the sinner, also declares “the nation that will not serve God shall perish.” Congress are not asked to legislate into existence the precepts of piety. No, sir, these are enacted already—they can never be repealed, and it is a most dangerous and destructive delusion to suppose that although as individuals and families, we are bound to respect the principles of religion, yet when we assume the character of States and Nations they cease to exert any legitimate influence. Such was not the political faith of the Father of his Country. Washington loved to cherish that connexion between Church and State which led to universal public and private virtue. And this result, he deeply realized, could flow alone from

the prevalence of religious principle. Hear his forcible illustration of it, in his last counsels given to his country, in his Farewell Address of 1796 : " Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labour to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. Let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." The reflection and experience of this illustrious man convinced him, that all attempts at sustaining a moral community, without founding its principles upon religious obligation, would be utterly vain and fruitless. He clearly perceived that without this, morality had no vital principle, and would be a mere sounding brass to amuse the ear, but would exert no salutary restraint upon the conduct of men. Sir, he made the connexion of religion with morality, the basis of all true patriotism. Let us ponder his admonition and pursue his counsels.

I trust that I have shown, upon the most satisfactory human authority, and by the almost universal consent of this great community, that the first day of the week is a consecrated portion of time: that so far as the laws of the country can have efficacy, in any case, they have effectually established the Sabbath day, as a day of rest from labor. Now, sir, I hope that the argument for its preservation will not be impaired by showing that the dictates of policy and the sanctions of religion alike maintain its importance. I insist, with deference, that the reasons which have been suggested for Sabbath Mails are not satisfactory. Sir, it is said that the discontinuance of them would induce private expresses on that day, and that this would only increase the evil. This graduating of moral evils forms but a miserable apology. I ask, what have we to do with the probable increase or diminution of vicious or criminal practices amongst individuals, in a simple inquiry—whether we shall, as a Christian people, acknowledge

or preserve a Sabbath—whether we shall, by our own conduct, countenance an institution of most salutary tendencies, or by our example break down its authority and rob it of all its energies? Let us do right, and leave the consequences of personal violations of duty to those who may dare to encounter them. But, sir, private expresses are subject to State laws, and would be controlled by their authority—while your mail stages claim an exemption, (a doubtful one, certainly,) that is not reached by State prohibitions. Moreover, the example of the General Government is far more demoralizing than scores of private messengers. It goes down to the people with all the weight of authority, and exerts a tremendous influence.

Mr. President, our constituents look up here for correct moral lessons—they wait to hear of laws that will terrify the evil doer—that will cherish those great interests of religion and morality, which Washington instructed them to regard as the only sure foundations of political prosperity: and what, sir, will be their emotions, when they learn that this august body rejects their supplications, and decrees that servile and worldly labor *shall be done on every day of the week*, the commands of God to the contrary notwithstanding? Every good man will hang his head in despondency; Infidelity will ring her triumphs, and the cause of God and the country severely suffer in the discomfiture. Therefore, I have contended, that, if we must witness the violations of the Sabbath, let the guilt of them rest upon individuals, but let the Government be clear.

All these State regulations would be quickened into active enforcement by your example. You have hitherto paralyzed their influence, and many of them are become lifeless enactments. But should we speak out firmly—should we arrest our own profanation—it would awaken vigilance in all the State Governments, and we might hope very soon to behold our whole country in the enjoyment of a tranquil Sabbath.

Again, sir, the plea has been made, that if the mail should be stopped every Sabbath day, the transmission of earlier information by other modes would be effected, to the injury of those who rely on the mail for advices. Why, sir, intelligence is communicated now, by expresses, with far greater despatch than by your conveyance, and will continue to be so whenever the

occasion calls for extraordinary rapidity. Recollect the speed of the late Message. It flew as on the wings of the wind—it laughed at the progress of your mail. This is an objection, therefore, without any foundation in fact. But suppose it true: I wait for the evidence that any earlier information thus obtained ever contributes to the welfare of the merchant or manufacturer. No, sir, I believe it to be blighted with a curse on its way, which, whether seen or not, actually and certainly attends it. Let it be granted that the suspension of our business on the Sabbath would diminish the amount of our profits, in proportion to the alleged loss of time: a very interesting question still remains to be solved—Will this be in any sense calamitous? I think not, sir. Let the benefits on the other side be calculated. What shall we have in exchange? In the first place, the satisfaction of a peaceful conscience—a treasure not to be purchased or redeemed with money: In the second place, we shall possess a moral excellence as a people, a thousand fold more valuable than all the wealth and splendors of commercial greatness. Yes, Mr. President, grant me the intelligence, and integrity, the public and private virtue which the Sabbath will cherish and promote—give me the people that love the repose of this day—that honor the institutions of religion, and I will point my country to her best earthly hope in the hour of peril—to her surest stay and defence. I trust, sir, that we shall never graduate public worth by dollars and cents. Let us, by arresting this national profanation, reject the miserable pelf that is amassed by labor pursued on a violated Sabbath.

It may be inquired wherefore it is that our citizens have remained so long quiet on this subject. You are aware, sir, that unavailing efforts have been heretofore made. But the evils have become more palpable in later years. The rapid increase of our population—the emergencies of business—the rush of trade in all its various branches, with the facilities of intercourse, have multiplied the encroachments on the Sabbath to such alarming extent, that, unless some check be interposed there is good reason to fear we shall in a very few years remember this day only in the melancholy spectacle of its universal desecration. It will be an era of portentous import. Sir, this day is the ægis of

a republican and free people. It is the poor man's friend. It elevates him and his family, by promoting decency of manners, neatness, and order. It is the only time which the necessities of his condition and the constitution of society spare to him for rest and reflection; and hence every inroad upon its sacredness is a direct attack upon his best privilege. I believe, sir, that the grand Adversary of our race, could he be permitted to select the single object, would strike the blow at this divine institution. He would say, resign to me this great moral lever—let my votaries drive on the pursuits of business, the schemes of enterprise and ambition, without interruption—let there be no time for man to reflect, to gather in his thoughts, to review his life, or to consider his origin and his destiny—and I desire no more.

Mr. President—the Sabbath was made for man—not to be contemned and forgotten—the constitution of his nature requires just such a season. It is identified with his pursuits, and his moral tendencies. God has ordained it in infinite benevolence. The reason for its institution, as recorded in his word, was his own example. It began with creation. The first week of time was blessed with a Sabbath. The garden of Eden would not have smiled in all its loveliness, had not the light of this day shone upon it. Blot it out, and the hope of the world is extinguished. When the whirlwind raged in France, how was it, sir? They could not carry their measures of ferocity and blood, while this last palladium of virtue remained: Desolation seemed to pause in its course, its waves almost subsided; when the spirit of evil struck this hallowed day from the Calendar, and enacted a decade to the Goddess of Reason—after which, the besom swept all before it.

Our own experience must satisfy us that it is essential to the welfare of our condition. Put the mind to any action of its powers—let its energies be exerted incessantly, with no season for abstraction and repose, and it would very soon sink under a task so hostile to its nature: it would wear out in such hard service. So let the pursuits of business constantly engage our speculations, and the whole year become one unvaried calculation of profit and loss, with no Sabbath to open an hour for the return of higher and nobler feelings, and the heart would become the victim of a cold and de-

basing selfishness, and have no greater susceptibility than the nether millstone. And if in matters that are lawful, such consequences would issue, what will be the results of a constant, unbroken progression in vice. Sir, I tremble at the prospect for my country. If this barrier against the augmenting flood of evil be prostrated, all your penalties and prisons will oppose an utterly inefficient check. Irreligion will attain to a magnitude and hardihood that will scorn the restraints of your laws. Law, sir! of what avail can this be against the corrupted sentiment of a whole people? Let us weigh the interesting truth—that a free people can only flourish under the control of moral causes; and it is the Sabbath which gives vigor, and energy, and stability to these causes. The nation expects that the standard of sound principles will be raised here. Let us give it a commanding elevation. Let its tone be lofty. It is in this way we should expect to excite the enthusiasm of patriotism, or any other virtue. When we would awaken in our youth the spirit of literary emulation, we spread out to their vision a rugged path and a difficult ascent, and raise the prize of fame high above the reach of any pursuit, but an ardent, laborious and vigorous reach of effort. If we would enkindle the love of country, we do not humble her claims to a miserable posture, just above downright indifference—but we point to a devoted Leonidas, and the brightest names of the scroll, and thus urge our youth onward and upward. Let us, then, sir, be as wise and faithful in the cultivation of sound moral principles.

Mr. President: I firmly believe that the repeal of this single section, and the suspension of the mail, would exert the happiest influence. It would call up public attention. It would present the claims of the Sabbath with such force of interest and weight of influence, as would, I hope, establish and perpetuate it as an effective defence around our free institutions. The mail arrested, and the post office closed on Sunday! by the solemn authority of Congress. Who can fail to perceive the noble impulse that would be given. Sir, this would correct all false and degrading estimates of this sacred day—it would almost of itself form a public sentiment. The floods of vice and infidelity would be stayed in their course. Such high example would silence the cavils of the profane. And this, as I

understand it, is the true, old-fashioned way to popularity. It is not that sickly principle, which flatters public vices, and connives at national sins—but which, in the purity of its purposes, dares to rebuke them, and by wise and wholesome measures to correct them.

Suffer me to urge, as a further motive, the tendency of our example in its influence upon the kingdoms of the old world. We have been greatly useful to them in the illustrations furnished by our history of the principles of civil liberty. The mass of their people begin to understand the true object of government. Until our political career commenced, power had long taught its subjects that this was a mysterious machinery, to be approached by no vulgar hand, and scrutinized by no common eye. We have broken the spell for them, and men have learned the value of freedom. We have taught them that personal liberty, security, and property are inalienable rights, that are to be protected and cherished, but which cannot be impaired or destroyed by human governments. They are prepared to receive from us instructive examples on the efficacy of a sound moral code in sustaining these interests.

I am persuaded that we shall not be deterred by the absurd imputation of a design to tyrannize over the consciences and rights of men. Sir, this charge is most unseasonable in an age of greater moral and intellectual light than the world has ever seen. It is, indeed, a strange engine of oppression. In all past time, to hold men in bondage it was found necessary to keep them in ignorance: but here is “a dangerous party,” which some affect to fear, that none but tyrants have ever dreaded before. A party whose labors are spreading the means of general information; whose philanthropy is engaged in enlightening the ignorant and reclaiming the deluded, whose charities have penetrated the abodes of the convict and opened a ray of hope even to *him*; and such men are assailed and summoned to a defence of such conduct. I will not attempt the serious refutation of a groundless charge. I dismiss it, with this bare statement of its character.

I ask for the demonstration of a fair experiment—this we can make without harm. Many of our constituents, (and they are, permit me to say, among the best friends and purest patriots of the country,) believe that such a consecration of this day is fraught

with signal blessings to all our interests, as a free people. They are a part of this nation, whose opinions upon any other subject would be respected. Grant them a practical exposition of their principles; and whenever we shall have suffered by a repeal of this offensive law—when it shall be seen that it has been in any degree disastrous to our public or individual prosperity, we may return to the practice of impiety, and proclaim abroad, that for a Christian People to regard the authority of God, and the repose of his Sabbath, is shown to be an injurious and unprofitable service.

